

**ENTERED**

September 30, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**In re:****Chapter 11 (Subchapter V)**

**Port Arthur Steam Energy, L.P.,  
Debtor.**

**Case No. 21-32373**

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**ORDER GRANTING OXBOW CALCINING LLC'S  
MOTION TO DISMISS BANKRUPTCY CASE  
[Relates to Docket No. 49]**

Upon the motion (the "Motion")<sup>1</sup> of Oxbow Calcining LLC ("Oxbow") for entry of an order (the "Order") dismissing the above-captioned bankruptcy case (the "Case") of Port Arthur Steam Energy, L.P. ("PASE"); and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and due and sufficient notice of the Motion having been given; and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion and the Debtor's objection to the Motion at Docket No. 64; and the Court having held an evidentiary hearing on September 20, 2021 to consider, among other things, confirmation of the Debtor's chapter 11 plan and the Motion; and the Court denying confirmation for the reasons stated at the September 20 hearing; and the Court having held an additional hearing on September 24, 2021 about the Motion; and upon all of the proceedings had before the Court, and after due deliberation and sufficient cause appearing therefor, it is **FOUND AND DETERMINED** that:

The Court incorporates its findings of fact and conclusions of law at the September 20 hearing, including the Debtor's inability to confirm a chapter 11 plan and the Debtor's liquidity issues jeopardizing its ability to remain administratively solvent, and the Court's statements on the record at the September 24 hearing. The Court finds cause to dismiss the Case under 11 U.S.C. § 1112(b). The relief requested in the Motion is in the best interests of the estate, creditors, and other parties in interest.

**IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**.
2. The Case is dismissed effective **October 8, 2021**.
3. The state court action styled *Port Arthur Steam Energy, L.P. v. Oxbow Calcining LLC*, Case No. 2021-18365, in the 270<sup>th</sup> Judicial District Court of Harris County, Texas, removed to this Court as an adversary proceeding at Adversary No. 21-06004, is remanded to the 270<sup>th</sup> Judicial District Court of Harris County, Texas, on **October 8, 2021**.
4. Debtor's counsel may submit a final fee application by **October 4, 2021**. The Court will consider approval of the fee application on **October 7, 2021 at 1:00 p.m. CT**. If no objection is filed, the Court may approve the fee application without a hearing.
5. This Order is immediately effective and enforceable upon its entry.
6. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Signed: September 30, 2021

  
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Christopher Lopez  
United States Bankruptcy Judge